

REMARKS

The pending claims are 1-18 and remain unchanged.

The claims are rejected for obviousness-type double-patenting over two patents and provisionally rejected for obviousness-type double patenting over two patent applications. Applicants request that these rejections be deferred until all other issues of patentability in the present application are resolved.

It is noted that the prior rejection of the claims under 35 U.S.C. § 103 is withdrawn as to claims reciting perfume. This applies to claims 1-9 and 18. Since claim 18 is dependent on a rejected claim, it may have to be re-drafted in independent form if the rejection is not overcome.

Claims 10-17 are rejected under 35 U.S.C. § 103 as obvious solely over DE 4,313,085. The rejection is traversed because the rejection is improper. DE '085 is in German. The Examiner has cited extensively from this document but has not provided a translation thereof. The Examiner's attention is directed to MPEP 706.02, which states, in part:

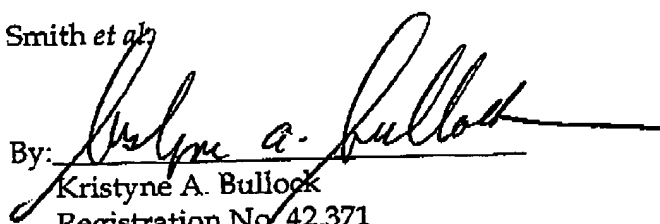
"If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection. The rationale for this is several-fold. It is not uncommon for a full text document to reveal that the document fully anticipates an invention that the abstract renders obvious at best. The converse may also be true, that the full text document will include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C., when the abstract alone appears to support the rejection. An abstract can have a different effective publication date than the full text document. Because all patentability determinations are fact dependent, obtaining and considering full text documents at the earliest practicable time in the examination process will yield the fullest available set of facts upon which to determine patentability, thereby improving quality and reducing pendency. When both the abstract and the underlying document qualify as prior art, the underlying document should normally be used to support a rejection."

Applicants request that the obviousness rejection be held in abeyance until the full-text translation is provided.

Respectfully submitted,

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